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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,543	11/24/2003	Hiroaki Fujii	086142-0600	1813

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EXAMINER	
SPISICH, GEORGE D	
ART UNIT	**PAPER NUMBER**
3616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,543	FUJII ET AL.	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-9* is/are pending in the application.

4a) Of the above claim(s) *2 and 6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4 and 7-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 June 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/21/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The end of the slide bar attached to the seat weight sensor (or seat) and above "a load transmitting portion" of the seat weight sensor in Figure 9 (elected species on 1/27/06) must be shown or the feature(s) canceled from the claim(s). Currently, it does not appear that the connection of the slide bar to the (mounting bracket of the) seat weight sensor is above the seat weight sensor, it appear to be even therewith. Also, the "load transmitting portion" of the seat weight sensor is not shown. This subject matter is claimed in new claims 8 and 9. It remains arguable that the hitch/slide bar is shown (in Figure 9) to be mounted to the seat weight sensor or to only a structure that the seat weight sensor is mounted to. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the

brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 9 are unclear. In line 2 of each claim, there is claimed a "seat weight member". It is not clear what the "member" is. It may be intended to read "sensor". Furthermore, it is not clear what the "load-transmitting portion" of the seat weight sensor is.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where

the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1,8 and 9 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,5,6 and 10-12 of copending Application No. 10/873,129. Although the conflicting claims are not identical, they are not patentably distinct from each other because the seat belt device being immovably mounted to a vehicle body on the side of the vehicle and the lap anchor being movable along the slide bar to a standby position and a working position is considered an inherent feature of a seatbelt arrangement of 10/873,129.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3,4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (USPN 4,667,980) in view of Aoki (USPN 6,069,325).

Yamamoto discloses a seat belt device comprising a seat belt (30) for restraining and protecting an occupant sitting on a vehicle seat, and an end portion of the seat belt including a lap anchor (36). The seat belt is connected to a vehicle body on a side of the vehicle seat via the lap anchor.

Yamamoto discloses an immovable hitch member (40) attached to either one of the vehicle seat fixed to the vehicle body or a seat weight sensor fixed to the vehicle body on one end and on another end the hitch member is fixed to the vehicle body. The limitation that the hitch be "immovable" is met by Yamamoto since the hitch is immovably attached to the seat and is immovable (with respect to the seat). Applicant has not claimed that the seat moves with respect to the hitch member and the hitch member remains stationary.

The hitch member (40) is a slide bar with the lap anchor movable along the slide bar to a standby position and a working position. The mounting of the

hitch member/slide bar of Yamamoto is similar to Applicant's with respect to seat support frames.

However, Yamamoto does not disclose a seat weight sensor installed below the seat that measures a seat load.

Aoki discloses a seat belt arrangement having a seat weight sensor installed below the seat that measures a seat load applied to the seat. The seat weight sensor is installed on a mount of the seat. This "mount" is then broadly considered to be a mounting bracket of the seat weight sensor. The positioning of the seat sensor would then (as best as Examiner can interpret the intended limitation of claim 8 and 9) be "connected above the load transmitting portion" of the seat weight sensor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the seat belt arrangement of Yamamoto so as to provide a seat weight sensor installed below the seat as taught by Aoki in the manner as taught such that the hitch member (slide bar) of Yamamoto is connected to the member that serves as a mounting bracket of the seat weight sensor of Aoki. Providing a seat weight sensor would allow for the adaptive control of safety arrangements to provide increased performance and safer operation.

With respect to the terms/phrases "fixed", "immovable" and "attached to the seat weight sensor", Examiner's position is that these elements are shown in the combined references and are broadly considered to meet the limitations of these words/phrases.

Response to Arguments

With respect to Applicant's argument that the slide bar of Yamamoto is not "attached immovably", Examiner disagrees since the slide bar is immovably attached to the seat since there is not relative movement between the slide bar and the seat. Futhermore, the "second end" (away from the seat connection) is fixed to the vehicle body, such that the hitch/slide bar of Yamamoto is considered to be "fixed" to the vehicle body, and "immovable" since without movement of the seat, the member is not movable. Applicant has not claimed movement of the seat with respect to the hitch/slide bar.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
March 3, 2007

3/5/07

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